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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,185	05/25/2001	Mathias Lehmann	031211-060	2196
7590	01/13/2005		EXAMINER	
Patrick C. Keane BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/864,185	LEHMANN ET AL.
	Examiner	Art Unit
	Houshang Safaipour	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 May 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Okino et al. (U.S. Patent No. 6,661,544).

Regarding claim 1, Okino et al. discloses photographic capturing device for the capturing of photographic image information from photographic media, comprising a light integrator for receiving and homogenizing light emitted from LED chips in a color specific for the respective LED chip and for emitting the light from an output opening in order to illuminate a photographic medium carrying photographic image information, a detection means for detecting the light modulated by the photographic medium according to the image information, a number of LED chips each having a specific light emission color, the number of LED chips including LED chips of at least three different colors, the LED chips being mounted on at least one heat conducting substrate with the LED chips being in heat conducting contact with the substrate (fig. 3, col. 5, line 1 through col. 6, line 47).

Regarding claim 2, Okino et al. discloses photographic capturing device according to claim 1, wherein the at least one substrate is connected for heat conduction with a heat sink and conducts the heat taken up from LED chips to the heat sink (col. 6, lines 35-40).

Regarding claim 3, Okino et al. discloses photographic capturing device according to claim 1, wherein the LED chips are so densely packed for the achievement of a high light density that they cover more than 10% of the surface over which they are distributed (col. 6, lines 26-34).

Regarding claim 5, Okino et al. discloses the photographic capturing device according to claim 1, wherein the light integrator is formed as a cavity in which light is reflected and from which light is emitted through an output opening, whereby the LED chips are positioned at or in the input openings of the cavity in such a way that the chips directly illuminate a majority of the cavity without reflection and without directly illuminating the output opening (fig. 3, col. 6, lines 20-25 and col. 5, lines 17-24).

Regarding claim 7, Okino et al. discloses photographic capturing device according to claim 1, further comprising a control arrangement for the group wise control of the LED chips, whereby each group includes LED chips of an emission color equal within the group but different from group to group, the control arrangement activating the light emission of the groups individually and sequentially respectively for a pre selected time, whereby a photoelectric converter is provided as detection means for producing signals the reading of which is synchronized with the light emission of the groups for distinguishing the received emission color, so that the output signals can respectively be associated with the emission of a specific group (col. 9, lines 4-64).

Regarding claim 8, Okino et al. discloses photographic capturing device according to claim 1, further comprising a first optical arrangement for exposing the photographic medium

positioned at a pre selected position onto the detection means, and a second optical arrangement for projecting the output opening enlarged onto the first optical arrangement (col. 6, lines 15-34).

Regarding claim 9, Okino et al. discloses photographic capturing device according to claim 1, further comprising a holding arrangement for holding the photographic medium at a position pre selected for the illumination, the holding arrangement including at least two masks, whereby each mask is provided for a photographic medium with different format, for selectively holding the photographic medium with a suitable mask at the pre selected position, whereby respectively one of the masks is selectively positioned by way of an exchange mechanism at the pre selected position (fig. 1, col. 5, lines 12-16).

Regarding claim 10, Okino et al. discloses the photographic capturing device according to one of claims 1 to 9, constructed as a scanner or printer (abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okino et al. (U.S. Patent No. 6,661,544).

Regarding claim 4, the use of a multitude of micro lenses in such a way that each micro lens is associated with one LED chip is well known and routinely implemented in the art.

Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include micro lenses in Okino's image reading apparatus.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okino et al. (U.S. Patent No. 6,661,544) and further in view of Brandestini et al. (U.S. Patent No. 6,044,180).

Regarding claim 6, Okino does not explicitly disclose photographic capturing device according to claim 1, wherein respectively at least one group of blue, green and red emitting LED chips is provided, whereby more blue and green LED chips are provided than red LED chips. Brandetini discloses such an arrangement (fig. 7E, col. 9, lines 28-31). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to Okino's image reading apparatus with that of Brandestini to compensate for low intensity of blue and green colors.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipour
Patent Examiner
Art Unit 2622
January 7, 2005


EDWARD COLES
SUPPLY & SUPPORT PATENT EXAMINER
TECHNOLOGY CENTER 2600